

*** * REASONS FOR AMENDMENTS AND REMARKS * ***

Applicant wishes to acknowledge with appreciation the Examiner's analysis and efforts in examining this application.

On pages 2-3 of the Official Action, the Examiner rejected Claims 1-3, 5, 6, 8, 9, 12, and 13 under 35 U.S.C. § 103(a) as being obvious under Dietz (U.S. Patent No. 3,936,092) in view of Ward (U.S. Patent No. 5,203,613). The Examiner alleges that Dietz teaches a safety harness for restraining a person in an automobile, the restraining apparatus including: first and second shoulder straps (7) positionable over the person's shoulders, each of the first and second straps (7) having first and second ends; the second ends of the first and second shoulder straps (7) are adjustable and selectively attachable to a chest panel/vest type portion (1) via buckles (8); first and second belt segments (3, 11), each having first and second ends such that the first ends of each of the first and second belt segments (3, 11) are attached to the chest panel (1); the first and second belt segments extend from the chest panel (1) and are positionable about the torso (as described in col. 2, lines 45-48); and the second ends of the first and second belt segments are selectively attachable to the automobile via belt (3). Regarding Claim 6, the Examiner alleges that at least one of the first and second belt segments being adjustable (via the buckles clearly shown on the belt segments 3, 11) with respect to the chest panel (1). Regarding Claim 13, the Examiner determined that the shoulder straps (7) are positioned substantially parallel to each other.

The Examiner further alleges that Ward teaches a shopping cart including a restraining device very similar in function and structure to applicant's. The Examiner continued that the shopping cart includes a first bar and a second bar extending from the first bar and the restraining apparatus includes shoulder straps (12, 14), a belt (16A), a crotch strap (17) and fasteners (including an adjustable clasp, snap fasteners, buckle or clip).

The Examiner concluded that based on the teachings of Ward, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to place the harness in a shopping cart to prevent a person from wiggling and falling out of the cart in a supermarket. The Examiner also concluded it would have been obvious to one having ordinary skill in the art at the time the invention was made, to add an adjustable crotch strap to prevent a person from sliding out forwards and to add clasp to the ends of the shoulder strap and crotch strap to permit quick release of the harness in an emergency.

Claim 1 has been amended to include the first and second portions being adjacent a rear portion of the seat, the first and second shoulder straps being selectively attachable to the first bar adjacent the rear portion of the seat, the second ends of the first and second belt segments being selectively attachable to each other distal from the chest panel, and includes a support strap that connects to the first and second shoulder straps at a location distal from the chest panel and adjacent the first bar. Support for these amendments is apparent from the drawings, as well as their accompanying descriptions in the specification. Particularly, as shown in Figs. 1 and 3, the first and second bars of the shopping cart are located at the back of the child and, thus, adjacent the rear portion of the seat upon which the child sits. Also shown is how the first and second shoulder straps attach to the first bar behind the child and, thus, adjacent the rear portion of the seat. The waist straps are shown attached at a distal location from the chest panel. In fact, what is shown is all the attaching means located at the back side of the child. The limitation of the support strap is from Claim 14 now canceled.

In light of these amendments, it is respectfully believed that Claim 1 is distinguishable over the combination of Dietz and Ward. In particular, neither Dietz nor Ward is directed to a shopping cart with a child restraint system that specifically selectively attaches at the rear of the child (i.e., adjacent the rear end of the seat). In fact, Dietz teaches for safety reasons (since its straps are designed for a car seat and not a shopping cart) the attaching means should be at the front instead of the rear. Columns 1 and 2 of the specification specifically

discuss the need to rapidly release the belted child which can only be done in front of the child, not behind the child. This teaches away from the claimed invention which requires the selective attachment be behind the child or adjacent the rear of the seat (obviously for the child's safety so the child will not be able to release him/herself). Similarly, Ward specifically teaches attachment and detachment from the front as shown in Fig. 3, for example. It is, thus, believed that these two references teach away from the claimed invention.

Furthermore, the stated purpose of Ward which is to prevent "a person from wiggling and falling out of the cart in a supermarket" is inconsistent with the reference as well as Claim 1 now amended. In addition to the fact that both Ward and Dietz allow the child access to the clasp mechanisms, Ward in particular does not appear to prevent a child from "wiggling" out of the shopping cart. Claim 1, as amended, includes a support strap such as strap (62) shown in Fig. 3. This strap keeps the claimed first and second shoulder straps the same distance from each other. This prevents the child from pulling on the shoulder straps to wiggle out of the restraint. In contrast, and on its face, as shown in Figs. 5, 6, and 7 of Ward, shoulder straps (12) and (14) are simply looped around the bars in front of and behind the child. There is complete freedom of lateral movement of these looped straps along the bar. This means, as can be seen in Fig. 5, for example, that as the looped ends of shoulder straps (12) and (14) are moved toward or away from the center of the bar, the opening created between the two straps (12) and (14) can change. The upper portions of the shoulder straps can be narrowed or widened as desired because there is complete freedom of the straps to slide across the bars.

In contrast, the claimed first and second shoulder straps are attached to the chest panel (not the bar) and are kept at a fixed position, for example parallel, to each other by virtue of the support strap. The straps are set at a fixed position with respect to each other, both in front of and behind the child which is directly opposite of what is shown in Ward. Accordingly, it is respectfully asserted that the combination of Dietz and Ward fails to disclose or teach the Claim 1 as amended and withdrawal of the rejection is, therefore, respectfully respected.

With respect to the Silverman reference, which was cited against Claim 14 because of the support strap, it is respectfully asserted that this reference still does not teach the claimed invention. In particular, strap 52 of Silverman, although located behind a child as shown in Fig. 2, is merely akin to a reverse chest panel. There is nothing that teaches the shoulder straps being attached to a chest panel and then being attached to a second support strap. In fact, as shown in Fig. 1 of Silverman, the shoulder straps are attached to each other. It is also noted that all these selective fastening means are at the front of the child, rather than behind. This reference is essentially no different than Dietz or Girardin except that the chest panel is reversed to become a back panel.

It is, therefore, respectfully believed that this rejection is moot as well, and reconsideration and withdrawal of the same is respectfully requested.

On pages 3-4 of the Official Action, the Examiner rejected Claim 4 under 35 U.S.C. § 103(a) as being obvious under Dietz ('092) and Ward ('613) as applied to Claim 1 above, and further in view of Girardin (U.S. Patent No. 6,547,334). The Examiner determined that the combination of Dietz and Ward teaches the features described above, that the combination of Dietz and Ward lacks the teaching of padding, and that Girardin teaches padded areas (30, 31). The Examiner determined that based on the teaching of Girardin, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the combination to include padded material to protect the user against chafing.

In light of the amendments to Claim 1, it is respectfully believed this rejection is now moot and reconsideration and withdrawal of the same is respectfully requested.

On page 4 of the Office Action, the Examiner also rejected Claim 14 under 35 U.S.C. 103(a) as being obvious under Dietz ('092) and Ward ('613) as applied to Claim 1 above, and further in view of Silverman (U.S. Patent No. 6,364,417). The Examiner asserted that the combination of Dietz and Ward teaches the features described above, lacks the teaching of a

support strap, and that Silverman teaches a support strap (52). The Examined continued that based on the teaching of Silverman, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a support strap between the shoulder straps to lend lateral strength to the safety harness, as taught in col. 2, lines 32-34.

In light of the amendments and arguments related to Claim 1 above, it is respectfully believed this rejection is moot and reconsideration and withdrawal of the same is respectfully requested.

If, upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (31274/82679) and please credit any excess fees to such deposit account.

Respectfully submitted,

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